IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 33668 of 2006(G)

PETITIONER:

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1. MEETHAL MOOSANHAJI, S.L.P.HOUSE,
   VENGARA POST, KANNUR DISTRICT.

2. S.L.P.AYISHABI, D/O.MEETHAL MOOSAN HAJI,
   DO. DO.

3. MEETHAL AHAMMAD, S.L.P.HOUSE,
   VENGARA POST, KANNUR.

4. MEETHAL ABDUL KAREEM,
   DO. DO.

5. MEETHAL MUHAMMED SHAFI,
   DO. DO.
   (PETITIONERS 2 TO 5 ARE REP. BY POWER OF ATTORNEY
   HOLDER PETITIONER NO.1).

BY ADV. SRI.T.M.CHANDRAN
SRI.V.A.SASIDHARAN

RESPONDENTS:

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1. DISTRICT COLLECTOR,
   KANNUR.

2. SPECIAL TAHSILDAR (LA),
   EZHIMALA NAVAL ACADEMY,
   PAYYANNUR.

BY GOVT. PLEADER SRI.L.G.SURESH BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC33668/2006

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1: COPY OF PETITION DATED 21.2.2006.

EXT. P2: COPY OF PETITION DATED 21.2.2006.

EXT. P3: COPY OF PETITION DATED 21.2.2006.

EXT.P4: COPY OF PETITION DATED 21.2.2006.

EXT.P5: COPY OF PETITION DATED 21.2.2006.

EXT.P6: COPY OF PETITION DATED 21.2.2006.

/TRUE COPY/

P.A. TO JUDGE

csl

K.T.SANKARAN, J

W.P.(C) No.33668 of 2006

Dated this the 9th day of January, 2007

JUDGMENT

The lands belonging to the petitioners were acquired for the purpose of establishing Naval Academy at Ezhimala. Award was passed. The petitioners did not file any application for reference under Section 18 of the Land Acquisition Act. Several other property owners filed applications for reference. LAR Nos.120/87, 193/87 and 94/92 before the Sub Court, Payyannur are some of those cases. The reference court enhanced the land value. Based on the decision of the reference court, the petitioners filed applications under Section 28A of the Land Acquisition Act. Since those applications were not considered by the second respondent, petitioners filed O.P.No.4598/2001 which was disposed of directing the second respondent to consider the applications. The second respondent considered the applications under Section 28A and passed orders. Dissatisfied with the compensation awarded, the petitioners filed Ext. P1 to P6

applications for reference. It is stated that those applications are pending. The prayer in the writ petition for the issue of a writ of mandamus directing the second respondent to refer Ext. P1 to P6 applications filed under Section 18 of the Act to the Sub Court, Payyannur. The learned Government Pleader on instructions submitted that Ext. P1 to P6 applications are pending disposal. Therefore, there will be a direction to the second respondent to dispose of Ext. P1 to P6 applications within two months in accordance with law. On passing order on Ext. P1 to P6, intimation thereof shall be given to the petitioners.

The Writ Petition is allowed as above.

K.T.SANKARAN,
JUDGE

csl